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SUBJECT: FRAUD SUMMARY - LAGOS

REF: 07 STATE 171211

COUNTRY CONDITIONS

11. Background: Nigeria covers 356,669 sq miles and has a population of approximately 145 million. The major languages are English (official), Yoruba, Igbo, and Hausa. Approximately 60% of the population is below the poverty line for Nigeria. The current GDP is 1,500 dollars, and the inflation rate is 8.2%. This high poverty rate, coupled with the population pressures, induces large-scale migration.

12. Nigeria has very limited internal controls over the issuance of documents, to include passports. The lack of controls and a high incidence of bribery that permeates every level of society create an environment where anything and everything is available and for sale. With enormous hunger for visas as an escape route, documents that cannot be trusted, and security situations that make travel difficult, Lagos is a high-fraud post.

NIV FRAUD

13. Nothing new to report.

IV FRAUD

14. Marriage to American citizens, which entitles foreign spouses to a preference status for an immigrant visa, has been by far the most common path to American residency and eventually citizenship. An overwhelming percentage of all petitions are marriage based and this makes it extremely susceptible to fraud.

15. In the following investigation, a purported husband turns father-in-law! The IV section sent a case to FPU in order to verify the relationship between subject and petitioner. This became necessary because it patterns the recent fraud trends. Applicant is allegedly the spouse of the petitioner, even though they are 36 years apart in age. Also the address of petitioner is listed as his son who petitioned for him in 1995. Upon the receipt of the case in FPU, an on-site investigation was carried out by FPU investigator in order to verify the relationship. A young man was seen and interviewed as he walked out of the address given by the applicant. When questioned about applicant's identity, he recognized the applicant and stated that she lives with them at the given address which is their family house as the applicant is married to his younger brother who lives in California, USA. The investigator at this time became more inquisitive because the name given as the applicant husband's name is not same with the name of the petitioner. When questioned further on who the petitioner was, source stated that the petitioner is his father and at the same time the father of the applicant's husband, therefore the petitioner is the applicant's father-in-law. He stated that the applicant was

married to her husband 3 or 4 years ago. He also stated that their biological mother died in 1982 and that their father has two other wives, who are still his wives. He stated that applicant's husband was born in 1963, thereby making him 45 years old. He stated that his father is an American citizen although he lives in Nigeria and visits America periodically. He also stated that his brother who is the husband of the applicant is an American citizen who lives at the same address as that listed for petitioner. Investigation at this point reveals that the applicant is actually married to the son of petitioner who lives in the USA and not the petitioner.

¶6. An on-site investigation was carried out by Lagos FPU to determine the genuineness of an applicant's marital claims. This is a CRI case. She claimed to be married to the petitioner who is an American. While at the given address, the investigator met and spoke with a lady who is a tenant in the premises and she identified the principal applicant positively. She stated that she runs a laundry outfit at the back of the compound. She then stated that while her parents live at the address, the lady in question actually lives at a different address with her husband. She even directed the investigator to this address stating that there is a hair dressing salon as well as a wine shop at the said address. When the investigator got to this new address, the two ladies who run the hair salon were seen and interviewed. They identified the applicant and stated that it had not been long that she went out. They confirmed that the applicant is married to a Nigerian from the Yoruba tribe and even gave the name of the applicant's husband, who had gone to work at the time of the interview. Both were said to live as husband and wife at the address. At this point, investigation impugned the veracity of the applicant's claimed marital relationship with the petitioner.

¶7. F-1 unmarried adult child of American citizen fraud: To get to the root of a case, an investigator at times has to mimic someone else. The following incident narrated exactly how an investigator pretended to be an applicant's friend during an onsite investigation which was carried out to validate the applicant's claim as single. At the given address, the investigator was directed to the caretaker of the property who positively identified the applicant and stated that the applicant had relocated to a new address at the other part of the town and no longer lived at the address. When questioned about when the applicant got married, he stated that applicant wedded last year with a woman from his locality, and that after his father's death soon after, he packed out to where he lives now. The Caretaker even gave the investigator the applicant's telephone number. The investigator called the applicant and got into a conversation with him. The investigator speaking in native language and sounding very casual asked the applicant why he did not invite him to his wedding and did not even mention to him about his father's death. The applicant gave excuses and apologized for not extending the wedding invitation to the investigator. He admitted getting married last year to a lady from his tribe and stated that he and his wife are doing well in their new home. He also confirmed the death of his father stating that it threw him into confusion. This revelation positively put an end to the applicant's claim of single status. Therefore, his claimed marriage to the petitioner is sham and done for immigration purpose only.

¶8. In a related development, an on-site investigation was conducted by FPU to verify if bio-parents of an applicant are still married to each other as this is a step child petition. During the investigation at the given address, the investigator met a man who happens to be an uncle of the applicant and he was interviewed in his home. He identified the applicant from her picture as his niece and stated that she did not live there as she lives with her mother. He stated that given address is a family house left to him and the applicant's father by their parents. The investigator questioned him if he sees the applicant's mother and he stated that they keep in touch as the church the applicant's mother attends is close to his house. The investigator further questioned him if applicant's parents have any problems; he first stated that they are fine and that his brother was around last year. He later recanted his story and stated that they have a few problems.

The investigator visited the address of applicant's mother where she was met and interviewed in her home. The applicant's mother denied that the applicant lives with her. However, when confronted with the fact that her brother-in-law had stated that the applicant lives with her, she then stated that she used to live with her paternal grandmother, however she relocated to this residence following the demise of her grandmother. When questioned when the grandmother died, she stated that she could not remember when the

applicant's grandmother died. At this point, the investigator telephoned the applicant so as to conduct a personal interview. When she was asked where she lived, she stated that she lived at the given address. When confronted with the fact that her uncle and neighbors had stated otherwise, she reiterated that she lived there and it was because she was in school that the investigator did not see her, until she was told that even her mother had finally admitted that she lived with her. When questioned when her paternal grandmother died, she stated that she died in 2001. She stated that her parents divorced in 2001 and she lived with her father until he traveled to America in February 2003 and that was when she moved to live with her mother. When questioned if her father ever went to visit her mother at her address, subject stated that during his visit in 2007, he came there. When questioned if he spent the night there, she stated that he probably did although she was in the school at the time. When asked why his father would spend the night alone with her mother, she stated that because they may still love each other. Based on these revelations from telephone conversation with the applicant, it is obvious that she lives with her mother. Because the investigator made it clear to her that detailed information had been obtained about her parents, she admitted that her father stayed with her mother while he was in Nigeria. It is therefore clear that petition is for immigration purposes only as applicant's parent are still married. The claimed divorce between her parents and the claimed marriage between the petitioner and the bio-dad is for immigration purpose only.

DV FRAUD

19. The relative ease of applying for a DV makes the program incredibly vulnerable to fraud and abuse. There are many sudden marriages after an applicant might have won. FPU carried out some investigations to examine some of these sudden marriages and their facilitators. A collection of wedding albums in FPU help to establish different blocks of these facilitators. Late night calls put nail on the coffin in an investigation that was carried out on an applicant's academic claims and claimed marriage. At the end of the interview session, the applicant's academic claims confirmed genuine, however claimed martial relationship is confirmed to be a sham and contracted for immigration purpose only. The two applicants were interviewed separately in the Fraud Prevention Unit of the U.S Consulate, Lagos. Regarding his academic credentials and claims, DV1 demonstrated impressively that he is the bona fide owner of his claimed results. DV1 gave a graphic illustration of the location of his examination venue as well as his experience during the examinations. He answered questions on subjects very impressively, and demonstrated a good understanding of the subjects. However, as regards his claimed martial relationship with DV2, who is from Ile - Oluji, discrepant and derogatory information arose and effectively cast doubt on the veracity of their claimed marital relationship. DV1 and DV2 offered conflicting and contradictory answers to simple questions bordering on their daily life together, and when they were confronted with the contradictions, they openly disagreed with each other with no chance of reconciling the conflicting facts. For example, DV1 stated that he last gave DV2 N2,500 yesterday for soup, DV2 maintained that DV1 never gave her money yesterday, but last gave her N5,000 for foodstuff in Christmas. Again, DV1 stated that he had never gone to DV2's village in Ile - Oluji, DV2 maintained that she and DV1 had visited her hometown of Ile - Oluji. Also while DV1 denied knowledge of where DV2's father works, DV2 maintained that he had visited her father's office and she even introduced him to her father. There was also the issue of their intimacy. DV1 stated that they began to have intimate contact before their marriage, while DV2 maintained that their intimate contact only started after their marriage. In a further attempt to determine that DV 1 and DV2 are in a relationship, the investigator on one night telephoned DV1 at 10:45 PM. DV1 answered the called and was requested by the investigator to hand the phone over to his wife, the DV2. After some interval of close to 5 minutes, a lady who claimed to be DV2 came on line. However, she was unable to positively identify herself as DV2 as she could not answer questions on the last interview with the investigator and other details that arose from that interview. She was even unable to mention correctly the name of her village, Ile - Oluji. As soon as the phone was dropped, the investigator immediately called DV2 on her own phone. She answered the call and her voice was distinctly different from that of the woman who just finished speaking with the

investigator pretending to be DV2. She was asked after her husband, DV1, and she stated that her husband was not at home, but had gone out to get something. Asked how long ago this was, she stated that it was more than 30 minutes ago. Unknown to her, the investigator had just finished speaking to DV1 and the DV2 imposter. She was asked whether any call had come to her from the Consulate since her FPU interview, and she stated that the investigator's current call was the first that she was receiving since then, thereby confirming that the lady i.e. DV2 who spoke with the investigator earlier was an imposter, and further confirming that the claimed marital relationship between DV1 and herself is a sham.

¶10. In this scenario, the DV1 entered the lottery as married to DV2 and their pictures and information were regular. Their conduct, however, raised concerns and the interviewing consular officer sent the case to FPU for a split interview. The DV1 and DV2 were interviewed in the Fraud Prevention Unit of the U.S Consulate, Lagos. They both maintained in their separate interviews, which were largely consistent, that they are truly married. While probing deeper into the relationship at FPU, the investigator viewed one of the registry photos with a magnifying lens and noticed that the calendar at the background bore 2008 when the couple claimed to have been married at the registry in 2006. When confronted based on this observation, they confessed that they were not married at the time of the DV entry. In fact, it was further revealed that while DV1 lives in a town, DV2 lives in another town entirely. At the end, DV2 confirmed that both are not really married yet. So the claimed marital relationship confirmed to be a sham.

¶11. Paying attention to details is pivotal to the success of any kind of investigation. The importance of this could be seen in the following investigation that was conducted in the Fraud Prevention Unit of the U.S Consulate, Lagos where DV1 and DV2 were interviewed. Although DV1 and DV2 continued to persevere in their claims, and were consistent in their split interview, the investigator examined their marriage certificate and discovered that it was similar to that of an applicant who had confessed the previous day. The signatures of DV1 and DV2 on the marriage certificate were also on the marriage certificate of the previous day all conducted in the same marriage registry. Though the certificates were discovered to be next to the other as per serial number, the marriages were purported to have been conducted weeks apart. However, since the applicant from the previous day had confessed that the marriage which was conducted on paper in March was actually conducted in May, the investigator confronted the DV1 with the forged certificates, whereupon he admitted and confessed that the marriage was fixed. With this development, claimed marital relationship confirmed to be a sham.

¶12. A split interview was conducted to determine the bona fides of claimed marital relationship between DV1 and DV2. They were interviewed separately in the Fraud Prevention Unit of the U.S Consulate, Lagos. After DV1 was interviewed by the investigator and she recited the usual rhetoric of how DV2 proposed to her on her birthday, etc. She put those statements in writing by way of a sworn written statement which she signed. At that stage, the investigator confronted her with the incredulity of her story and persuaded her to confess to the truth in her best interest. After a very long persuasion, DV1 then confessed that the post office boys who brought her DV winning notification in March 2008 made arrangements and matched her to DV2 on the understanding that DV2 will bankroll the expenses and provide accommodation in the U.S. They then arranged and met for the introductions and wedding ceremony. After that, they went their separate ways until the interview morning. Upon being further questioned, DV1 revealed that they were coached on questions to expect, with the warning that if they fail to succeed in the first interview, they will be taken to another place for another trial with very tough people, and that at that stage, it was only God that could help them. She pleaded to be protected as the boys handling the marriage fixing and DV2 will come after her and hurt her if they discover that she had confessed. Consequent upon this plea, the investigator also interviewed DV2 to give him the appearance that DV1 did not give him and his cohorts away. Apart from DV1's outright confession, the interview with DV2 generated substantial discrepancies and irreconcilable facts.

¶13. This is just one of numerous cases of which the wedding was staged by wedding actors. DV1 and DV2 were both interviewed in the Fraud Prevention Unit of the U.S Consulate, Lagos. Prior to the split interview, the investigator analyzed the wedding pictures and discovered that it matched with another wedding album in the FPU collection with same actors and actress performing. The DV1 who was

asserting claims to a valid marriage soft pedaled when she was confronted with the fact that the man who she claimed to be her father is not her biological father but an imposter. The same man appeared in another wedding album as officiating pastor and as the father of groom in yet another wedding album. She wrote a confession stating that DV2 is not her husband, and that the arrangement was orchestrated by DV agents who brought in the DV2 to finance the processing. She stated that they were to hold on to the Visa once issued until she is able to reimburse them the cost of the visa processing for herself.

ACS AND U.S. PASSPORT FRAUD

¶14. Nothing new to report.

ADOPTION FRAUD

¶15. An adoption order issued from a court in the eastern part of the country and the orphan status of the juvenile was investigated and the outcome was nothing but fraud. This case is specifically interesting because of the new dimension it took. The adoptive parents were impersonated and the court was successfully misled. At the Magistrate's Court, the FPU investigator was able to speak with a Senior Registrar of the Court. After examining a copy of the order and checking from the records, she confirmed that the adoption order was issued from the court. Further effort was made by the investigator to confirm the orphan status led to discrepancies. The director of child's rights in The Ministry of Women Affairs and Social Welfare was met and interviewed in his office regarding this case and other adoption cases generally. He gave useful insights into the adoption situation in the state and the efforts of the ministry to ensure integrity in the process as well as protecting the welfare of the child. He confirmed knowledge of this case and stated that a lot of misrepresentations were made resulting in the erroneous issuance of the order. He clearly stated that it is against the law for a non-Nigerian to adopt any juvenile from the state. According to him, the case which ought to have originated from the State Ministry of Women Affairs and Social Welfare, actually originated from a Local Government branch. The corrupt officials participated in cover - ups and misrepresentations to the State Ministry leading to the wrongful issuance of the order, he stated. At the time of the proceedings in the court, the probation officer had no knowledge that the adoptive parents were non-Nigerians and maintained that the petitioner never came to court for the adoption. Someone else covered up for them while the local officials in the Local Government Social Welfare who initially approved the case misrepresented to the State Ministry that the adoptive parents were relatives of the officials. He stated that the issue has been fully addressed and that the adoption order should be disregarded. He apologized for the embarrassment. Though the adoption order confirmed genuine, it was fraudulently and illegally obtained.

DNA TESTING

¶16. DNA testing has proven an invaluable tool in the deterrence of fraud. There are many instances where the evidence of relationship that would allow officers to make their decisions is unreliable, destroyed, or simply not available. Family photography, aside from the occasional posed studio portrait, did not become widespread until the late 1970s and early 1980s, and birth certificates have no security features to speak of and can be obtained easily. Officers request DNA testing fairly frequently. The buccal swab samples are collected by an IV LES at the clinic where the required visa medical examinations are conducted. This is a duty that is rotated around the section. The Consulate sends the samples to the laboratory and the notarized results are returned directly back to the Consulate via courier.

¶17. The section is currently undergoing a statistical analysis of DNA findings. A tracking spreadsheet has been created and is being updated to show the processing of each case in 2008 in which DNA is requested. As a result of this study, we hope to produce accurate

statistics to show how many applicants do not proceed with DNA and also the percentage of negative DNA results. We hope to have this study finished in the next few months. Applicants who know their relationship is not bona fide, in general, do not follow through with the DNA testing. Post has encountered several recent cases where a principal applicant was asked to do a DNA test with a derivative child, only for the principal applicant to return to the Consulate and say that they changed their mind - they don't want the child to travel after all. As the principal applicant (PA) has by this point executed a visa application for the derivative, the PA is told there will be no visa issuance until the requested DNA testing is completed. In some cases, the principal applicant acquiesces and the DNA results are negative, resulting in a 6E finding. Other principal applicants attempt to remove the problematic child by 'killing them off' on paper - bringing in a fraudulent death certificate. FPU investigation into these documents reveals the fraud, and the end result is still a 6E.

DHS FRAUD

¶18. We continue to receive about ten requests a week for transportation letters from legal permanent residents who report their green cards lost or stolen. Without DHS presence at post or access to their database, we struggle to confirm LPR status and determine if the LPRs have a criminal record.

¶19. The FPU receives and processes investigation requests from USCIS District Adjudicating Officers to verify documents submitted for many different types of petitions in the United States, mostly divorce decrees. The FPU assists with these verifications and responds in a timely manner.

ALIEN SMUGGLING AND TRAFFICKING

¶20. In both the IV and NIV section we see frequent attempts at alien smuggling, whether through a sham marriage or the addition of an extra child. In some cases it is merely a member of the extended family who simply does not have a legal claim to the immigration benefit. However, in some cases, such as the DV clip-ons, there is a financial motivation; someone has agreed to pay in order to have that person added to an otherwise-legitimate application.

DS INVESTIGATIONS

¶21. The consular section in general and the FPU in particular work closely with the ARSO/I assigned to Lagos. Cases are referred to the ARSO/I from IV, NIV, and ACS units, with the referral documented in the notes for the case. The ARSO/I has aided us in pursuing marriage fraud rings stateside through his U.S.-based DS contacts, and here in Lagos he has been pursuing the vendors of the fraudulent documents presented in interviews. His close working relationship with the Special Fraud Unit of the Nigerian police has resulted in the arrest of a number of fraudulent applicants. Through spot reports he keeps the consular section informed of the outcomes of the referred cases. The ARSO/I usually takes referrals directly from interviewing officers regarding instances of fraud that occur on a daily basis, while complex investigations that FPU has conducted are referred to the ARSO/I by the FPM. ARSO/I and the FPM have a strong working relationship and often collaborate on interviews, investigations and training. ARSO/I and FPM also benefit from the strong support of the Consular Chief and the Regional Security Officer.

HOST COUNTRY DOCUMENTS

¶22. While Nigeria has recently updated its passport design to incorporate a microchip like the U.S. E-Passport, the older design remains valid and in circulation. It consists of a biodata page encased in plastic, UV-reactant features, and the passport number punched into the top edge of the inside pages.

¶23. The new e-passport incorporates other security features in addition to the microchip. It includes holographic and UV-reactant features and each visa page in the booklet has the passport number punched into the outside edge. It is important to note that, while the document itself may appear more secure, the underlying process in order to obtain the passport remains highly flawed. Applicants for a Nigerian passport must submit a national identification card or a birth certificate, both of which are easily obtained on the open market, and they must submit an affidavit from a 'guarantor' who will attest to their good character. Attempts by Nigerian immigration to use biometrics collection to preclude passport issuance in multiple identities are hampered by the lack of infrastructure that would allow a passport office in one end of the country to connect via a network to an office on the other end. Even with the additional security features, the Nigerian passport remains an insecure and easily obtainable document.

¶24. Civil documents, by contrast, have essentially no security features. Marriage certificates vary widely in appearance; while they follow the same basic format, each local government authority has its own design. Marriage certificates and birth certificates are both filled out by hand in ball point pen, and are printed on plain white paper. These documents are incredibly easy to forge. In addition, controls and oversight in government offices are such that for sufficient payment a person can obtain virtually any government document from the source. Recently, we have been able to spot fraudulent divorce decrees by one registrar's signature. With very few exceptions, documents are taken with a grain of salt, and without verification by FPU that there is a corresponding entry in the logbook of the office that supposedly issued the certificate or court order, we consider most documents to be of very little value.

COOPERATION WITH HOST GOVERNMENT

¶25. The FPU has enjoyed a strong relationship with the Nigerian Police Department for many years, referring cases to them where Nigerian laws have been broken. The Special Fraud Unit has aided in the arrest of applicants who have presented fraudulent documents, as well as tracking down the document vendors.

¶26. The FPU has also enjoyed years of support from local governments, schools and marriage registries in our verifications of documents. Lately, however, FPU investigators have been harassed by National Population Commission to provide money for verifications, usually 10,000 Naira, the equivalent of about 70 dollars. This is apparently a revenue collecting scheme on the part of the National Population Commission. In some cases, the working relationship between the investigator and the official, with whom they have dealt before, has meant the registrar could be persuaded to waive the fee; many of these government officials, however, are becoming more hard-line on this fee, making document verification a costly prospect.

STAFFING AND TRAINING

¶27. The FPU comprises FSO Fraud Prevention Manager Kelley Ireya, LES Fraud Investigator Supervisor Roma Eyan, LES Fraud Investigator Ijeoma Ndurue, LES Fraud Analyst Samuel Olorunsogo.

BLAIR